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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FALLON PAIUTE-SHOSHONE TRIBE,
a federally recognized
Indian tribe,

Plaintiff,

v.

UNITED STATES BUREAU OF
LAND MANAGEMENT

Defendant.

CV-N-04-466-LRH (RAM)

UNOPPOSED MOTION TO EXTEND
TIME FOR DEFENDANT'S FILING
OF OPTIONAL REPLY TO PLAINTIFF'S
OPPOSITION TO GOVERNMENT'S
MOTION FOR SUMMARY JUDGMENT
BY 35 DAYS

Comes now defendant United States Bureau of Land Management, a component of the U.S. Department of the Interior, and moves this Court for a thirty-five (35) day extension of the dates previously set for the filing and briefing of Defendant's Optional Reply to Plaintiff's Opposition to Defendant's Cross-Motion for Summary

1 Judgment. Counsel for the plaintiff Fallon Paiute-Shoshone Tribe
2 has been contacted and explicitly agrees to this extension.

3 Grounds for this Unopposed Motion are stated below:

4 1. This is an action for judicial review of certain actions
5 taken by the United States Bureau of Land Management (BLM) under
6 the Native American Graves Protection and Repatriation Act and the
7 Administrative Procedures Act.

8 2. On February 9, 2005, this Court approved the parties'
9 proposed scheduling order (#15), which set forth various deadlines
10 for submission of this matter to the Court for adjudication on
11 cross-motions for summary judgment.

12 3. On August 2, 2005, this Court issued an order, granting
13 Defendant's unopposed motion to extend the time granted by the
14 prior order (#21).

15 4. On September 2, 2005, Plaintiff moved for leave to file a
16 125 page brief in support of its Motion for Summary Judgment (#22).
17 This Court allowed that Motion on September 12, 2005 (#30). In
18 light of the Plaintiff's Motion to File a Brief in Excess of the
19 Page Limit, the parties stipulated to a new briefing schedule.

20 5. As a result of the Court's September 12, 2005 Order, and
21 pursuant to the parties' Stipulation adopted by this Court on the
22 same date (#29), the Defendant's Opposition and Cross-Motion was
23 due on November 1, 2005; Plaintiff's Reply was due on December 21,
24 2005; and Defendant's Optional Reply was due on January 25, 2005.

25 6. On October 24, 2005, the United States filed an Unopposed
26 Motion to Extend the Briefing Deadlines. That Motion was granted
27 by this Court (#53), and the new deadlines were, as a result, as
28 follows: filing of Defendant's Opposition and Cross-Motion for

1 Summary Judgment - November 17, 2005; filing of Plaintiff's Reply -
2 January 5, 2006; and filing of Defendant's Optional Reply -
3 February 9, 2005.

4 7. The Plaintiff subsequently sought - without opposition
5 from the government - an extension of the deadline for filing its
6 Reply to the government's Opposition to Plaintiff's Motion for
7 Summary Judgment until January 31, 2006. That motion was granted
8 by this Court (#53). As a result of that order, Defendant's
9 deadline for filing its Optional Reply was March 7, 2006.

10 8. Plaintiff filed its Reply on January 31, 2006.

11 9. Since that date, the government has been engaged in
12 discovery in a matter that has required substantial travel. In
13 addition, the government has been preparing for trial in another
14 matter that has been set for March 20-31, 2006. These demands have
15 left less time than originally contemplated for preparing the
16 government's Optional Reply, currently due on March 7, 2006.

17 10. Plaintiff's counsel does not oppose and has explicitly
18 assented to the requested extension of time.

19 11. The requested extension of time will extend the previous
20 deadlines by 35 days and will yield a new deadline for the filing
21 of the Defendant's Optional Reply on or by April 11, 2006.

22 12. The filing of the Defendant's Optional Reply will mark
23 the close of all briefing in the above-captioned matter, and the
24 only remaining milestone will be the scheduling of oral argument on
25 the parties' cross-motions.

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Respectfully submitted,

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IT IS SO ORDERED

Date: March 6, 2006.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE